

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RASHARD LANE, JAMAE L
COOK, ROYGENA WILLIAMS, a/k/a
RAYGENA COOK, SERGIO WILLIAMS, a/k/a
SERGIO COOK, and TIARA WILLIAMS, a/k/a
TIARA COOK, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
September 26, 2006

Petitioner-Appellee,

v

REGINIA COOK, a/k/a REGINA COOK,

Respondent-Appellant,

and

JOHN LANE,

Respondent.

No. 267908
Wayne Circuit Court
Family Division
LC No. 87-266718-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to her minor children under MCL 712A.19b(3)(b)(i), (g), (j), and (m). We affirm.

An initial petition seeking permanent custody of respondent Regina Cook's eight minor children was filed on August 24, 2005. The petition alleged in part that: 1) respondent's parental rights to three older children were terminated in 1992 based in part on neglect and failure to comply with treatment plans; 2) the Department of Human Services received a complaint on July 26, 2005, because both respondent and her newborn child Tiara tested positive for cocaine at Tiara's birth; 3) respondent had not obtained prenatal care while pregnant with Tiara; and 4) although respondent maintained suitable housing, it was overcrowded. The petition also indicated that, although the prior termination of respondent's parental rights mandated the filing of a permanent custody petition, respondent had eight children since the prior termination and had not had a substantiated case since that time.

After respondent tested positive for cocaine at the September 15, 2005, pretrial hearing and failed to appear for a scheduled drug assessment appointment on September 27, 2005, an amended permanent custody petition requesting that the children be removed from the home was filed on October 5, 2005. Following a preliminary hearing and permanency planning hearing, adoption was identified as the permanency plan.

At trial, respondent admitted that she had been using crack cocaine on and off for about a year, stating that she started using when she was four months pregnant with Tiara. She indicated she had not had a problem with drugs before that time. Although respondent admitted she was aware that using drugs while pregnant could affect her child, respondent denied that she had a problem with drug addiction and testified that she believed she could get out of her current situation by attending inpatient care. Respondent also testified that she initially failed to take the court's intervention seriously and looked at it "as a joke" because she still had her children with her. At trial she testified that she realized it was serious and that she was willing to do whatever treatment was required, including inpatient treatment, to get her children back.

Lawanda Atlas, the protective services worker assigned to the children, testified that she received a protective services complaint on July 26, 2005. Atlas interviewed respondent the same day and respondent admitted to using cocaine while pregnant with Tiara. She also testified that she did not believe respondent received any prenatal care while pregnant with Tiara.

Atlas indicated that when she filed the initial petition in August, despite the requirement that she file for permanent custody, she believed it would be in the children's best interests to remain with respondent. Atlas testified that although there were some problems with the housing, including a broken window, a leak in the kitchen, a bathroom that needed repairs and insufficient beds for the children, Families First was to work with respondent to address those concerns. Atlas also indicated that respondent was offered services that included parenting skills training, drug assessment and screenings, and home management skills counseling. Testimony revealed that although respondent complied with one drug screen that came back negative on September 2, 2005, the only other screen she completed was ordered at the September 15, 2005, pretrial and indicated she was positive for cocaine. Furthermore, testimony indicated that respondent never completed the drug assessment despite the fact that a Families First worker arrived at her home to transport her for the first scheduled assessment on September 6, 2005. Atlas testified that respondent told the worker she was too tired to attend. After her children were ordered to be removed from her care, respondent was given a second opportunity to complete an assessment for inpatient treatment. She failed to attend the second portion of the assessment.

From these facts, we find that the trial court did not clearly err in finding that at least one of the statutory grounds for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). It was undisputed that respondent-appellant's parental rights to three other children had been previously terminated after the initiation of protective services proceedings. Additionally, respondent-appellant's use of cocaine while pregnant caused her unborn child physical harm. Her continued substance abuse after the child's birth and after services were offered also hindered her ability to provide proper care and custody to all of her children.

Further, the evidence failed to show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich

341, 356-357; 612 NW2d 407 (2000). Although the testimony indicated that the children were bonded with respondent-appellant, the testimony also indicated that respondent-appellant failed to take steps toward overcoming her cocaine addiction.

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Jessica R. Cooper